IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.5171 of 2006

Dated: March 17, 2006

Between:

Avunuri Srinivas, S/o. Venkatesham,

aged about 39 years, Proprietor of

M/s. Sai Rama Trading Company,

Fertilizer Shop, H.No.6-5-187, Vysya Bhavan

Complex, Gandhi Road, Karimnagar.

… Petitioner

And

Authority Under Minimum Wages Act and Asst.

Commissioner of Labour, Karimnagar, and another.

… Respondents

Order:

In this Writ Petition, petitioner questions the order passed by the first respondent, the Authority Under Minimum Wages Act, in MW Case No.37 of 2005.

2 . The second respondent has filed M.W. Case No.37 of 2005 before the first respondent under Section 20 (2) of the Minimum Wages Act, 1948, claiming an amount of Rs.52,951.50 by way of difference of minimum wages from 14-10-2001 to 08-12-2004, from the petitioner. In the said case, the petitioner has moved an interlocutory application stating that the second respondent was not his employee. It is the case of the petitioner that primarily, the said issue, i.e. whether employer and employee relationship exists between the petitioner and the second respondent, has to be decided by conducting an enquiry, but, the first respondent has rejected the said interlocutory application by passing an order to the effect that the issue of employer and employee relationship is related to the claim of the applicant for difference in wages and that the same would be decided along with the issue of claim for wages.

3. Sri K. Vasudeva Reddy, learned counsel for the petitioner, submits that if the main claim itself is decided, in the event of suffering an adverse order, the petitioner is liable to pay wages.

4. It is to be seen that even if a finding is recorded relating to the said aspect, petitioner has to pay the wages as per the provisions of the Act. Having regard to the summary nature of enquiry, the issue which was raised by the petitioner before the authority need not be decided at the preliminary stage. Hence, I do not find any illegality or irregularity in the reasoning given by the authority, warranting interference by this Court, at this stage.

5. The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY.

March 17, 2006

MRR